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March 11, 2003

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Commissioner for Patents Washington, D.C. 20231

Hand Carry to R.B. Schwadron Art Unit 1644, Crystal Mall 1, 7th Floor

Re:

U.S. Utility Patent Application

Appl. No. 09/458,298; Filed: December 10, 1999

Inducing Cellular Immune Responses to MAGE2/3 Using Peptide and Nucleic Acid Compositions

Inventors:

FIKES et al.

Our Ref:

2060.0130000/HCC/PAC

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement:
- 2. Twenty-six pages of Form PTO-1449 listing 90 documents;
- 3. Copies of the cited documents (AA1-AD1, AL1-AP1, AR1-AT1, AL2-AP2, AR2-AT2, AR3-AT3, AR4-AT4, AR5-AT5, AR6-AT6, AR7-AT7, AR8-AT8, AR9-AT9, AR10-AT10, AR11-AT11, AR12-AT12, AR13-AT13, AR14-AT14, AR15-AT15, AR16-AT16, AR17-AT17, AR18-AT18, AR19-AT19, AR20-AT20, AR21-AT21, AR22-AT22, AR23-AT23, AR24-AT24, AR25-AT25, and AR26);
- 4. First Supplemental Information Disclosure Statement;
- 5. Ten pages of Form PTO-1449 listing 41 documents;
- 6. Copies of the cited documents (AE1-AK1, AL3-AM3, AS26-AT26, AA2-AC2, AR27-AT27, AR28-AT28, AR29-AT29, AR30-AT30, AR31-AT31, AR32-AT32, AR33-AT33, AR34-AT34, and AR35-AT35); and
- 7. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox P.L.C.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents March 11, 2003 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

Sterne, Kessler, Goldstein & Fox P.L.L.C.

Helene C. Carlson

Agent for Applicants

Registration No. 47,473

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HCC/PAC:dbj Enclosures

SKGF_DC1:109747.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES et al.

Appl. No. 09/458,298

Filed: December 10, 1999

For: Inducing Cellular Immune Responses to MAGE2/3 Using

Peptide and Nucleic Acid

Compositions

Confirmation No. 8697

Art Unit: 1644

Examiner: Schwadron, R.B.

Atty. Docket: 2060.0130000/HCC/PAC

Information Disclosure Statement

RECEIVED

Commissioner for Patents Washington, D.C. 20231

MAR 1 4 2003

Sir:

TECH CENTER 1600/2900

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

In accordance with 37 C.F.R. 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language documents, Document Nos. AM1, AP1, and AN2 cited on form PTO 1449:

Document AM1, Patent No. EP 0 226 513 is in the French language. It is believed that AM1 discloses HIV peptide derivatives. An English language abstract of document AM1 is attached as Document AS25;

Document AP1, Patent No. WO 92/21033 is in the German language. It is believed that AP1 discloses peptides which bind MHC class I and class II molecules. An English

language abstract of document AP1 is located on page one of the document and another English language abstract is attached as Document AT25;

Document AN2, Patent No. WO 94/11738 is in the German language. It is believed that AN2 discloses peptides which bind MHC class I and class II molecules. An English language abstract of document AN2 is located on page one of the document and another English language abstract is attached as Document AR26.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

FIKES *et al.* Appl. No. 09/458,298

- 3 -

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Helene C. Carlson

Agent for Applicants

Registration No. 47,473

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Date: 3/11/03

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	AN1		2/02543 A1	02/20/1992	WIPO					Yes No
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	AM2	WO 9	4/03205 A1	02/17/1994	WIPO				Yes No
	AN2	WO 9	4/11738 A1	05/26/1994	WIPO				Yes X No
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ATTY. DOCKET NO. APPLICATION NO. 2060.0130000/HCC/PAC 09/458,298 FORM PTO-1449 APPLICANT FIKES et al. INFORMATION DISCLOSURE STATEMENT FILING DATE GROUP December 10, 1999 1644 U.S. PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT DATE NAME CLASS SUB-FILING DATE NUMBER CLASS AΑ AB AC ΑD ΑE AF AG AΗ ΑI ΑJ ΑK FOREIGN PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT DATE COUNTRY CLASS SUB-TRANSLATION NUMBER CLASS Yes ALNo Yes AM No Yes AN No Yes ΑO No Yes AΡ No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) Ding, Y.-H., et al., "Two Human T Cell Receptors Bind in a Similar Diagonal Mode to the HLA-A2/Tax Peptide Complex Using Different TCR Amino Acids," Immunity AR 6 8:403-11, Cell Press (April 1998) Eisenlohr, L.C., et al., "Flanking Sequences Influence the Presentation of an Endogenously Synthesized Peptide to Cytotoxic T Lymphocytes," J. Exp. Med. 175:481-487, The Rockefeller University Press (February 1992) AS <u>6</u> Engelhard, V.H., "Structure of peptides associated with MHC Class I molecules," ΑТ 6 Curr. Opin. Immunol. 6:13-23, Current Biology, Ltd. (February 1994) EXAMINER DATE CONSIDERED **EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next

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49:1621-1639, American Association for Cancer Research (1989)

Foon, K.A., "Biological Response Modifiers: The New Immunotherapy," Cancer Res.

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	AS	<u>19</u>	MHC class	tzschke, O., and Falk, K., "Origin, structure and motifs of naturally processed C class II ligands," <i>Curr. Opin. Immunol.</i> 6:45-51, Current Biology, Ltd. ebruary 1994)									
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES et al.

Appl. No. 09/458,298

Filed: December 10, 1999

For: Inducing Cellular Immune Responses to MAGE2/3 Using Peptide and Nucleic Acid

Compositions

Confirmation No. 8697

Art Unit: 1644

Examiner: Schwadron, R.B.

Atty. Docket: 2060.0130000/HCC/PAC

First Supplemental Information Disclosure Statement

Commissioner for Patents Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed herewith in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

FIKES et al. Appl. No. 09/458,298

- 2 -

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Helene C. Carlson

Agent for Applicants

Registration No. 47,473

Date: 3/11/03

1100 New York Avenue, N.W. Suite 600 Washington, D.C. 20005-3934

(202) 371-2600

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ATTY. DOCKET NO. APPLICATION NO. 2060.0130000/HCC/PAC 09/458,298 FORM PTO-1449 APPLICANT FIKES et al. FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT FILING DATE GROUP December 10, 1999 1644 U.S. PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT NAME DATE CLASS SUB-FILING DATE NUMBER CLASS AA AB AC AD AE1 5,342,774 08/30/1994 Boon et al. 12/12/1991 AF1 5,405,940 04/11/1995 Boon et al. 08/31/1992 AG1 5,462,871 10/31/1995 06/07/1993 Boon-Falleur et al. AH1 5,695,994 12/09/1997 Boon-Falleur et al. 05/17/1995 5,750,395 AI1 05/12/1998 Fikes et al. 06/05/1995 AJ1 5,965,381 10/12/1999 van der Bruggen et al. 03/06/1998 AK1 10/12/1999 5,965,535 Chaux et al. 09/12/1997 FOREIGN PATENT DOCUMENTS EXAMINER INITIAL DOCUMENT DATE COUNTRY CLASS TRANSLATION SUB-NUMBER CLASS Yes AL3 WO 94/05304 Al 03/17/1994 WIPO Yes AM3 WO 95/04542 Al 02/16/1995 WIPO No Yes AN Yes ΑO No Yes AΡ No OTHER (Including Author, Title, Date, Pertinent Pages, etc.) AR Boël, P., et al., "BAGE: a New Gene Encoding an Antigen Recognized on Human AS Melanomas by Cytolytic T Lymphocytes," Immunity 2:167-175, Cell Press (February 26 1995) Boon, T., "Tumor antigens recognized by cytolytic T lymphocytes: present AΤ <u>26</u> perspectives for specific immunotherapy, " Int. J. Cancer 54:177-180, Wiley-Liss, Inc. (May 1993) EXAMINER DATE CONSIDERED EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next

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<u>INFORMATION DISCLOSURE STATEMENT</u>

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